

## REMARKS

It is unclear to what extent the rejection is based on Section 103. It seems to be virtually the same rejection, except for the inclusion of the Section 103 alternative rejection, as was the subject of the appeal brief dated October 30, 2006.

In that appeal brief it was noted that the citation to paragraph 120 of Lowrey is insufficient to meet the claims which talk about a phase change memory element having a voltage greater than .9 volts.

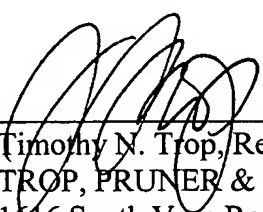
What is being discussed in paragraph 120 is the holding voltage of the select device for the memory element, not the holding voltage of the memory element. Thus, the cited material is of no moment to what is claimed.

With respect to the new Section 103 rejection, according to the assignment records of the United States Patent and Trademark Office, the cited Lowrey application is assigned to Intel Corporation, the assignee of the present application. The present application and the cited application were, at the time the invention of the present application was made, owned by, or subject to an obligation of assignment, to the same person. Under 35 U.S.C. § 103(c), the Section 103 rejection is overcome. See M.P.E.P. § 706.02(1)(2).

Therefore, reconsideration is requested.

Respectfully submitted,

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